IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO.213 OF 2006

In

CRIMINAL WRIT PETITION NO.2930 OF 2005

Mukesh Tikaji Bora : Petitioner

(Brother of Detenu)

V/s.

The Union of India & Ors. : Respondents

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Mr.Sujay Kantawala with Mr.Maqsood Khan for the petitioner.

Mr.R.M.Agrawal for respondent Nos.1 & 2.

Mr.D.S.Mhaispurkar, Addl. Public Prosecutor for the State.

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CORAM : D.G.DESHPANDE & S.A.BOBDE,JJ.

DATE : JULY 20, 2006.

P.C.

1. This is an application for parole which was filed along with Criminal Writ Petition No.2930 of 2005. We have decided the petition on merits and dismissed it. Now the learned counsel for the petitioner also concedes that this application is not maintainable in view of the fact that we have become functus officio. However, he states that looking to the cause for which the petitioner was seeking parole i.e. the ailment of the wife of the

detenu, we direct the authorities to treat this application itself as an application for parole from the detenu and decide the same within two weeks from the date of communication of this order. Mr.Agarwal for respondent Nos.1 & 2 agrees to communicate this order to the authorities as soon as he gets a copy. The authorities to decide the application for parole and communicate their decision to the petitioner at the address given or to the Advocate for the petitioner.

2. The Criminal Application is disposed of.

D.G. DESHPANDE, J.

S.A. BOBDE, J.